REMARKS

As a preliminary matter, Applicant respectfully traverses the outstanding Office Action (Paper No. 7) in its entirety as being non-responsive. Section 707.07(f) of the MPEP places a burden upon the Examiner, when repeating a previous rejection, to first answer the substance of Applicant's arguments traversing that rejection. In the present case, the Examiner has not done so.

More specifically, and in spite of the fact that the Examiner has added a new reference to the rejection under Section 103, the base reference that was earlier cited under Section 102 has not changed. Applicant presented many meritorious arguments on pages 10 through 11 of Amendment A, filed August 8, 2003, specifically arguing how the originally cited Takahashi reference (U.S. 5,822,144) teaches a method different from the present invention as amended in Amendment A. The Examiner has not addressed any of these arguments in the outstanding Office Action. The addition of the newly cited Shimizu reference (U.S. 5,383,068) only addresses a different feature of the present invention other than what was argued, and does not rectify the deficiencies of the base reference that were argued. Therefore, Applicant respectfully requests that the outstanding Office Action be vacated in its entirety, and that the Examiner consider and address Applicant's previous meritorious arguments with respect to the Takahashi reference.

Accordingly, Applicant maintains and incorporates by reference herein those arguments previously advanced in Amendment A. Applicant respectfully requests that the Examiner consider those arguments, and withdraw the Section 103 rejection of the

outstanding Office Action. Additionally, Applicant respectfully requests that the Examiner consider the following new arguments, as well as the expansions upon the previous arguments.

Claims 1-15 stand rejected now under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Shimizu. Applicant respectfully traverses this rejection for the reasons of record, and as follows. The Takahashi reference only teaches a head positioning system which uses a fixed correction value, whereas the present invention features a head positioning control method that dynamically sets a correction value according to an actual moving speed of the head.

As previously discussed, Takahashi specifically teaches that its correction value, as well as its moving speed, are fixed values. (See col. 9, line 49 through col. 10, line 40). These fixed values are set prior to operation of the device. The present invention, on the other hand, features a dynamic head positioning control method, one which sets a correction value according to the actual moving speed of the head itself. In other words, the correction value of the present invention is dynamically-obtained, as opposed to the fixed correction value disclosed by Takahashi. In this regard therefore, Takahashi specifically teaches away from the present invention. Any reference which teaches away from a presently claimed invention cannot form a basis for rejection based on obviousness. Accordingly, for at least these reasons, the Section 103 rejection based at least in part on Takahashi is respectfully traversed, and should be withdrawn.

Additionally, the Examiner's proposed combination of Takahashi with Shimizu is inappropriate as applied to the present invention. Shimizu is cited by the Examiner solely for teaching that a moving speed of a head may be detected based on a read position signal. The Examiner has not cited to anywhere in Shimizu where may also be found a dynamically obtained correction value for a head positioning control method. Section 2143.03 of the MPEP requires that the Examiner, in maintaining a obviousness based rejection, still first cite to where in the prior art every feature and limitation of the presently claimed invention may be found. In the present case, however, the Examiner has not satisfied this requirement.

As also previously discussed, independent claims 1, 6, and 11 of the present invention -- in their original and both amended forms -- recite, among other things, a correction value that is dependent on the moving speed of the head. In other words, the present invention specifically features a dynamically-obtained correction value. These claims are therefore amended herein for the purposes of grammatical consistency, to more clearly recite those features that would have already been sufficiently clear to one skilled in the art from a plain reading of the original claim language. The Examiner has not cited to anywhere in the prior art where such a feature as in the present invention is disclosed. Accordingly, the Section 103 rejection should be withdrawn for at least these further reasons, under Section 2143.03 of the MPEP.

Furthermore, to establish an appropriate obviousness rejection, it would not be sufficient for the Examiner to merely find several references collectively teaching all of these features of the present invention (which Applicant does concede has been done). The

Examiner is also required to show some teaching or suggestion within the prior art itself for the motivation to combine the several references. See In Re Lee, 277 F.3d 1338, 61 U.S.P.Q. 2d 1430 (Fed. Cir. 2002). In the present case, however, the Examiner has not cited to anywhere in the prior art where such motivation to combine the references could be found.

In fact, Applicant submits that no such motivation could be found, in light of the fact that the Takahashi teaches away from the dynamic correction method of the present invention, as discussed above. There could be no motivation therefore, to combine Takahashi's system with Shimizu's moving speed detection because Takahashi teaches to use fixed values. Takahashi itself teaches away from any need to detect the moving speed based on the reposition signal for obtaining a correction value, because Takahashi provides a fixed correction value prior to the operation of the device. Accordingly, because any motivation to combine these two references to reach the present invention is lacking, the obviousness rejection of claims 1-15 is further traversed for at least these reasons as well.

Claims 1, 6, and 11 of the present invention have been amended to correct for typographical errors from Amendment A, as noted and required by the Examiner in the outstanding claim objections, and also for grammatical consistency, as discussed above. Reconsideration and withdrawal of the objections thereto are respectfully requested in light of these amendments. Applicant further submits that, because the remaining amendments merely clarify existing recited claim features which have already been argued to the Examiner, these additional amendments do not raise any new issues requiring further search or consideration by the Examiner, because the Examiner should have given full consideration

to the same features and issues from Amendment A. Therefore, all of the amendments are appropriate for entry by the Examiner after final rejection.

For all of the foregoing reasons, Applicant submits that this Application, including claims 1-15, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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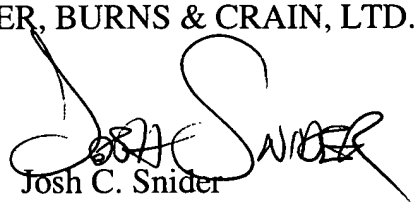
By 
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